

United States Senate

WASHINGTON, DC 20510

July 17, 2019

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue, NW
Washington, DC 20535

The Honorable Joseph Simons
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Director Wray and Chairman Simon:

I write today to express my concerns regarding FaceApp, a mobile software application headquartered in Saint Petersburg, Russia, that could pose national security and privacy risks for millions of U.S. citizens.

FaceApp uses artificial intelligence to alter a user's photos to look younger or older, or possess a different gender. However, in order to operate the application, users must provide the company full and irrevocable access to their personal photos and data. According to its privacy policy, users grant FaceApp license to use or publish content shared with the application, including their username or even their real name, without notifying them or providing compensation.

In practice, providing this level of access to a user's data could mean that any photos taken with the application could be used publically or privately in the future without a user's consent. Furthermore, it is unclear how long FaceApp retains a user's data or how a user may ensure their data is deleted after usage. These forms of "dark patterns," which manifest in opaque disclosures and broader user authorizations, can be misleading to consumers and may even constitute a deceptive trade practice. Thus, I have serious concerns regarding both the protection of the data that is being aggregated as well as whether users are aware of who may have access to it.

In particular, FaceApp's location in Russia raises questions regarding how and when the company provides access to the data of U.S. citizens to third parties, including potentially foreign governments. As FBI Director Wray himself pointed out earlier this year, Russia remains a significant counterintelligence threat. It would be deeply troubling if the sensitive personal information of U.S. citizens was provided to a hostile foreign power actively engaged in cyber hostilities against the United States.

Given the growing popularity of FaceApp and these national security and privacy concerns, I ask that the FBI assess whether the personal data uploaded by millions of Americans onto FaceApp may be finding its way into the hands of the Russian government, or entities with ties to the Russian government. If so, I would urge that steps be immediately taken by the FBI to mitigate the risk presented by the aggregation of this data.

Furthermore, I ask that the FTC consider whether there are adequate safeguards in place to prevent the privacy of Americans using this application, including government personnel and military service members, from being compromised and if not, that the public be made aware of the risks associated with the use of this application or others similar to it.

In the age of facial recognition technology as both a surveillance and security use, it is essential that users have the information they need to ensure their personal and biometric data remains secure, including from hostile foreign nations. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, reading "Charles E. Schumer". The signature is fluid and cursive, with the first name "Charles" and last name "Schumer" clearly legible.

Charles E. Schumer
United States Senator